IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.5861 OF 2004

Shri Ajit B.Zota ...Applicant

Versus

Union of India & Ors. ...Respondents

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Mr.Shirish Gupte, Sr.Counsel with Mr.Yogesh Rohira for Applicant.

Mr.R.F.Lambay for Respondent No.1.

Mr.K.V.Saste, A.P.P. for Respondent No.3.

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CORAM: A.M.KHANWILKAR, J.

DECEMBER 23, 2004.

P.C.

1. Heard Counsel for the parties. Perused the record including the medical certificates relied by both the sides tendered across the bar.

2. The argument that custodial interrogation of the Applicant is unnecessary, does not commend to me. I am in agreement with the submission

canvassed on behalf of the Respondents that custodial interrogation of the Applicant would be necessary for the purposes of making further investigation and cross verification of the information, which has already come on record.

3. Without expressing any further opinion, suffice it to observe that no fault can be found with the order passed by the Magistrate in granting remand till 28th December 2004, having regard to the seriousness of the offence and complicity of the Applicant, as is made out from the record.

. The argument that the Applicant should be released forthwith due to serious medical history, also does not commend to me. Indeed, the record produced at the instance of the Applicant does indicate that the Applicant is chronic patient of diabetes and related problems. However, the Investigating Officer has taken all precautions, inasmuch as immediately after the arrest of the Applicant, he was produced before the St.George's Hospital, whose doctors have certified that by and large the health condition of the Applicant is

stable. Besides, medical facility can always be made available to the Applicant in jail, where resident medical Officers are available and the St.George's Hospital is not very far away from the jail premises. Hence, not a case for bail.

4. At this stage, Counsel for the Applicant prays that at least the Applicant be allowed to take home food, having regard to the nature of illness of the Applicant. That request, if made, be considered forthwith, as per the Rules, by the appropriate Authority, one way or the other.

5. Mr.Gupte further prays that in case of emergency, the Applicant be permitted to be taken to nearest nursery home where the Applicant has been taking treatment in the past, at his cost. If such Application is made by the Applicant or by his relatives, that may be considered by the appropriate Authority, if situation so warrants.

6. All concerned to act on an ordinary copy of this order, duly authenticated by the Office.

A.M.KHANWILKAR, J.